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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,171	04/01/2004	Bernard Chaumat	CHAUMATI	7383
1444	7590	01/23/2006	EXAMINER	
BROWDY AND NEIMARK, P.L.L.C. 624 NINTH STREET, NW SUITE 300 WASHINGTON, DC 20001-5303			BROWN, JAYME L	
			ART UNIT	PAPER NUMBER
			1733	

DATE MAILED: 01/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/814,171	CHAUMAT ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jayme L. Brown	1733	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 14 November 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 2-9 and 11-19 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 2-9 and 11-19 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 01 April 2004 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

**FINAL ACTION**

***Election/Restrictions***

1. Applicant's election of Group I, claims 1-9 (now claims 2-9 and 11-19) in the reply filed on 11/14/05 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 2-9 and 11-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
  - a. Regarding claims 2-9 and 11-19, it is unclear in all the claims as to whether the through-fixing zones, the fixing zones, and the through zones are the same parts or different parts. Applicant uses reference (11) for all three, which additionally adds further confusion. The Specification does not appear to clarify this issue. Applicant is required to clarify this issue without introducing new matter.

It is noted that some of the suggestions below are the Examiner's attempt to clarify the claims; however, Applicant should only make changes that are consistent with the original Specification and with the resolution of the issue above.

b. Regarding claim 2, the use of the term "for" in line 4 is confusing. It is unclear what is meant by "fixing the additional piece or additional pieces (8) for one or more grooves (13) or recesses (14,15)" when it seems that the additional piece or pieces would be placed in the grooves or recesses, but even that wouldn't be correct since according to the Specification, the grooves and recesses are part of the through-fixing zone. Clarification is required.

c. Also regarding claim 2, it is unclear what is being bound in the inner structure. It appears to be the through-fixing zones to the inner structure. Clarification is required.

d. Regarding claim 4, line 6, "zone or zone" should be changed to - - zone or zones - -.

e. Regarding claim 5, it is unclear because the stops cannot consist of grooves. The grooves and stops are two different parts of the fixing zone (11).

f. Claim 6 recites the limitation "the groove or grooves" and "the recess or recesses" in lines 4 and 5. There is insufficient antecedent basis for this limitation in the claim. It is recommended that the claim be dependent on claim 2.

g. Claim 7 recites the limitation "the groove or grooves" and "the recess or recesses" in lines 5 and 6. There is insufficient antecedent basis for this limitation in the claim.

h. Also regarding claim 7, it is unclear as to whether the punching operation is applied in a groove or recess that is already formed or if the punching operation is used to form a groove or a recess in the zone which forms a stop.

i. Regarding claim 11, it is unclear what is projecting from the inner surface.

It is recommended to move "projecting from the inner surface" to the end of step (c).

The new step (c) would read:

-- engaging an additional piece or pieces on the outer surface (6) of the exterior assembly (3), each additional piece or pieces having at least one through-fixing zone (11) that passes through the opening or openings (17) and projects from the inner surface; -- .

j. Claim 11 recites the limitation "fixing zone or zones" in line 17. There is insufficient antecedent basis for this limitation in the claim.

k. Also regarding claim 11, lines 26-28, the phrase "one or more means of securing by anchoring in the exterior assembly (3) and/or in said inner structure (4)." is unclear since the claim already claims that it anchors in both the exterior assembly and the inner structure. It is recommended that "/or" be removed.

l. Regarding claim 12, it is unclear what is projecting from the inner surface.

It is recommended to move "projecting from the inner surface" to the end of step (c).

The new step (c) would read:

-- engaging an additional piece or pieces on the outer surface (6) of the exterior assembly (3), each additional piece or pieces having at least one through-fixing zone

(11) that passes through the opening or openings (17) and projects from the inner surface; - - .

m. Claim 12 recites the limitation "fixing zone or zones" in line 17. There is insufficient antecedent basis for this limitation in the claim.

n. Also regarding claim 12, lines 26-28, the phrase "one or more means of securing by anchoring in the exterior assembly (3) and/or in said inner structure (4)." is unclear since the claim already claims that it anchors in both the exterior assembly and the inner structure. It is recommended that "/or" be removed.

o. Also regarding claim 12, the use of the term "for" in line 4 is confusing. It is unclear what is meant by "fixing the additional piece or additional pieces (8) for one or more grooves (13) or recesses (14,15)" when it seems that the additional piece or pieces would be placed in the grooves or recesses, but even that wouldn't be correct since according to the Specification, the grooves and recesses are part of the through-fixing zone. Clarification is required.

p. Also regarding claim 12, it is unclear what is being bound in the inner structure. It appears to be the through-fixing zones to the inner structure. Clarification is required.

q. Regarding claim 14, line 5, "zone or zone" should be changed to - - zone or zones - - .

r. Regarding claim 15, it is unclear because the stops cannot consist of grooves. The grooves and stops are two different parts of the fixing zone (11).

s. Also regarding claim 7, it is unclear as to whether the punching operation is applied in a groove or recess that is already formed or if the punching operation is used to form a groove or a recess in the zone which forms a stop.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3-4, and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colley et al. (U.S. Patent 6,309,586).

Regarding claims 1 and 9, Colley et al. teaches a method for manufacturing a board for gliding over snow (60) comprising the steps of: manufacturing a decorative and protective exterior assembly (Column 8, lines 22-26) having an outer surface and an inner surface; placing an additional piece or additional pieces (55) on the outer surface of the exterior assembly, each piece projecting from the inner surface and having at least one through-fixing zone; and positioning the exterior assembly and the additional piece or pieces (55) in a mold for the subsequent steps of producing the board wherein the fixing zone or zones of the additional piece or pieces (55) penetrate an inner structure of the board (60) so as to constitute one or more securing means.

Colley et al. teaches that the molding processes could be co-injection molding, injection

molding, compression molding, extrusion molding, two-step molding, etc. (Column 8, lines 7-26; Column 11, lines 5-42; Figures 5 and 7).

Colley et al. is silent toward the exterior assembly having at least one opening wherein the fixing or fixing zones of the additional piece or pieces passes through the opening or openings. One skilled in the art would have readily appreciated that if exterior assembly (top sheet design) were affixed onto the top surface of the board during the molding process, then openings would be formed prior to molding in order to accommodate the fixing zone or zones of the additional piece or pieces that are placed on the exterior assembly. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have openings in the exterior assembly when the exterior surface is affixed to the board in the molding process in the method of Colley et al.

Regarding claim 3, Colley et al. teaches that the material for binding the inner structure is polyurethane if the subsequent steps of producing the board comprise an injection operation. Colley et al. also teaches that any polymer material capable of being incorporated into an injection molding or co-injection molding or other molding operation (such as compression molding) can be utilized in the practice of the invention (Column 11, lines 12-56).

Regarding claim 4, Colley et al. teaches that the fixing zone or zones have a brake that prevents tearing away of the additional piece or pieces (55) (Figure 5).

Regarding claim 8, Colley et al. teaches that the additional piece or pieces will be set at least partially in the structure of the board such that the upper surface of the piece or pieces is flush with the exterior face of the board (Figures 5 and 7).

### ***Response to Arguments***

6. Applicant's arguments filed 11/14/05 have been fully considered but they are not persuasive.

Applicant argues that the pieces (55) are not engaged on the outer surface of the exterior assembly, and that such pieces are completely embedded into the structure. However, as seen in Figure 5 of the Colley reference, the additional piece or pieces (55) also include insert (50) and screws (53) which engage the outer surface of the exterior assembly, project from the inner surface of the exterior assembly, pass through the openings previously provided in the exterior assembly, and penetrate into the inner structure of the board. It is noted that there is currently no requirement in the claims for completely embedding the additional pieces into the structure as Applicant argues.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jayme L. Brown** whose telephone number is **571-272-8386**. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Jayme L. Brown*

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GLADYS J.P. CORCORAN  
PRIMARY EXAMINER